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Date: 1/20/04

By: Rena Iov

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: GRECH, NIGEL M. *ET AL.*

APPLICATION No.: 10/644,583

FILED: AUGUST 19, 2003

FOR: HYDROPHOBIC COMPOSITIONS AND
METHODS OF USE IN WATER
APPLICATIONS

EXAMINER: NOT YET ASSIGNED

ART UNIT: 1724

CONF. NO: 5209

**Information Disclosure Statement Within Three Months of
Application Filing or Before First Action – 37 C.F.R. § 1.97(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. **Timing of Submission**

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last [37 C.F.R. § 1.97(b)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. **Cited Information**

Copies of the following references are enclosed:

- All cited references
- References marked by asterisks
- The following:

- Copies of the following references can be found in parent U.S. Application No. 09/848,102 filed May 2, 2001, and issued as U.S. Patent No. 6,632,363:
 - All cited references
 - References marked by asterisks
 - The following:
- This application was filed after 30 June 2003 and no copies of U.S. patents nor published applications are enclosed (See Notice of Deputy Commissioner Kunin on 11 July 2003).
- The following references are not in English. For each such reference, the undersigned has enclosed (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference, (iii) a copy of a reference which appears to be an English-language counterpart, or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.
 - All cited references
 - References marked by ampersands
 - The following:

3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

No fees are believed due because this Information Disclosure Statement is being filed before the mailing date of the first Office Action.

- Applicant further submits that no fee is due in light of the following certification under 37 C.F.R. § 1.97(e) (check only one):
 - In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart

foreign application not more than three months prior to the filing of this statement; or

In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.

However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2586.

5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,
Perkins Coie LLP

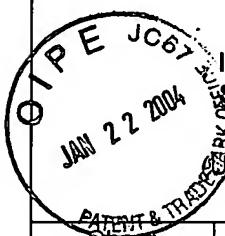
Date: 1/20/04



James J. Zhu
Registration No. 52,396

Correspondence Address:

Customer No. 34055
Perkins Coie LLP
Patent – LA
P.O. Box 1208
Seattle, WA 98111-1208
Phone: (310) 788-9900
Fax: (206) 332-7198


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		COMPLETE IF KNOWN	
Application Number	10/644,583		
Confirmation Number	5209		
Filing Date	August 19, 2003		
First Named Inventor	Nigel M. Grech		
Group Art Unit	1724		
Examiner Name	Not yet assigned		
Attorney Docket No.	54547.8001.US01		

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			
	AA	5,124,149		Shapiro et al.	06/1992	
	AB	5,236,589		Torrance	08/1993	
	AC	5,486,292		Bair et al.	01/1996	
	AD	5,580,770		DeFilippi	12/1996	
	AE	5,658,795		Kato et al.	08/1997	
	AF	6,025,152		Hiatt	02/2000	
	AG	6,057,268		Mehta	05/2000	
	AH	6,121,038		Kirschner	09/2000	
	AI	6,322,782		Walker et al.	11/2001	
	AJ	6,403,364		Hince	06/2002	
	AK	6,632,363		Grech et al.	10/2003	

FOREIGN PATENT DOCUMENTS

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		Office	NUMBER	Kind Code (if known)				

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.		T
	AL	H.D. Burges, "Formulation of Microbial Biopesticides" (1998)		
	AM	C.M. Inoffo et al., "Microencapsulation and Ultraviolet Protectants to Increase Sunlight Stability of an Insect Virus", Journal of Economic Entomology 64(4):850-853 (1971)		
	AN	A. Krieg, "Photoprotection Against Inactivation of Bacillus thuringiensis Spores by Ultraviolet Rays", Journal of Invertebrate Pathology 25(2):267-268 (1975)		
	AO	R.S. Bhatnagar, et al., "Survival of Rhizobium Japonicum in Charcoal Bentonite Based Carrier", Current Science 51(8):430-432(1982)		

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	AP	G.F. Joye, et al., "Biological Control of Aquatic Weeds with Plant Pathogens", ACS Symposium Series 197:154-174	
	AQ	R. Autio, et al., "Factorial experiments used to analyse nutrient and grazing control of phyto-and bacterioplankton", Ergebnisse der Limnologie Advances in Limnology 31:253-263 (1988)	
	AR	Shigeo Endo, et al., "Conditions Influencing the Growth-Promoting/Sustaining Effects of Carbon Material in Agar Plates", Nippon Nogekagaku Kaishi 73(11):1181-1186 (1999)	
	AS	Sang-Hong Yoon, et al., "Production of Biopolymer Flocculant by Bacillus subtilis TB11", Microbiology and Biotechnology 8(6): 606-612 (1998)	
	AT	R. Castro-Franco, et al., "An alternative bioinsecticide formulation to encapsulate Bacillus thuringiensis δ toxin and extracts of Agave lecheguilla Torr. for the control of Spodoptera frugiperda Smith", International Journal of Experimental Botany, 62 (1/2): 71-77 (1998)	
	AU	Michio Matsuhashi, et al., "Growth-promoting effect of carbon material upon bacterial cells propagating through a distance", J. Gen. Appl. Microbiol. 43:225-230 (1997)	
	AV	Takashi Fujita, et al., "Description of Bacillus carboniphilus sp. Nov.", International Journal of Systematic Bacteriology, 46(1):116-118 (1996)	
	AW	Michio Matsuhashi, et al., "Studies on Carbon Material Requirements for Bacterial Proliferation and Spore Germination under Stress Conditions: a New Mechanism Involving Transmission of Physical Signals", Journal of Bacteriology, 177(3):688-693 (1995)	
	AX	Nicola D. Williams, et al., "Conditions suitable for the recovery of biocide-treated spores of Bacillus subtilis", Microbios 74:121-129 (1993)	
	AY	A.O. Ejiofor, et al., "Preparation of a flowable liquid bacterial insecticide based on Bacillus sphaericus". World Journal of Microbiology and Biotechnology, 7:596-599 (1991)	
	AZ	S. Gaind, et al., "Shelf life of phosphate-solubilizing inoculants as influenced by type of carrier, high temperature, and low moisture", Canadian Journal of Microbiology, 36(12):846-849 (1990)	
	BA	Junkei Kawa, "Adriamycin absorbed to activated carbon particles: A new drug delivery system for targeting cancer chemotherapy", Journal of Kyoto Prefectural University of Medicine, 98(5):517-532 (1989)	
	BB	P.J. Van Dijck, et al., "Activated Charcoal and Microflora in water treatment", The Journal of the International Association on Water Pollution Research & Control, Water Research 18(11):1361-1364 (1984)	

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	BC	Shin-Ichi Okuda, "Treatment of Lipid-Containing Wastewater Using Bacteria Which Assimilate Lipids", Journal of Fermentation and Bioengineering, 71(6):424-429 (1991)	
	BD	R.G. Knepper, et al., "Aerially Applied, Liquid Bacillus Thuringiensis Var. Israelensis (H-14) for Control of Spring Aedes Mosquitoes in Michigan", Journal of the American Mosquito Control Association, 7(2):307-309 (1991)	
	BE	Babjide A. Matanmi, et al., "Fate and Persistence of Bacillus Sphaericus Used as a Mosquito Larvicide in Dairy Wastewater Lagoons", Journal of the American Mosquito Control Association, 6(3):384-389 (1990)	
	BF	H. Danana Goud, et al., "Treatment of DMT (Kimethyl Terephthalate) Industry Waste Water Using Mixed Culture of Bacteria and Evaluation of Treatment", Journal of Environmental Biology, 11(1):15-26 (1990)	
	BG	Maria Luisa Garcia, et al., "Effect of heat and ultrasonic waves on the survival of two strains of Bacillus subtilis", Journal of Applied Bacteriology, 67:619-628 (1989)	
	BH	Greg Blank et al., "Heat Sensitization of Bacillus Substilis Spores by Selected Spices", Journal of Food Safety, 9:83-96 (1988)	
	BI	Toshihiko Ogawa, et al., "Growth Inhibition of Bacillus subtilis by Basic Dyes", Environmental Contamination and Toxicology, 40(4):545-552 (1988)	
	BJ	James C. MacDonald, et al., "Evaluation of Bacillus as a practical means for degradation of geosmin", Applied Microbiology and Biotechnology 25(4):392-395 (1987)	
	BK	Catherine N. Mulligan, et al., "Pressate from Peat Dewatering as a Substrate for Bacterial Growth", Applied and Environmental Microbiology, 50(1):160-162 (1985)	
	BL	McLaughlin, et al., "Distribution of a Flowable Concentrate Formulation of Bacillus Thuringiensis Serotype H-14 During Irrigation of Rice Fields as a Function of the Quantity of Formulation", Mosquito News, Journal of the American Mosquito Control Association, 44(3):330-335 (1984)	
	BM	P.J. Van Dijck, et al., "Activated Charcoal and Microflora in Water Treatment", Water Research, The Journal of the International Association on Water Pollution Research & Control, 18(11):1361-1364	

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